

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. Bank Trust, N.A., as Trustee for
LSRMF MH Master Participation Trust II

Plaintiff

vs.

Jennifer E. Waterhouse a/k/a Jennifer
Waterhouse

Defendant

The Bank of New York Mellon FKA The
Bank of New York, as successor Trustee to
JPMorgan Chase Bank, N.A., as Trustee
for the Certificateholders of CWABS
Master Trust, Revolving Home Equity
Loan Asset Backed Notes, Series 2004-I

Party-in-Interest

Case No. 2:21-cv-00295-LEW

CONSENT JUDGMENT OF FORECLOSURE AND SALE

538 King Street, Oxford, Maine
Book: 3508, Page 194
(Vacant Property)

NOW COMES the Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSRMF MH Master Participation Trust II, and the Defendant, Jennifer E. Waterhouse a/k/a Jennifer Waterhouse, and hereby submit this Consent Judgment of Foreclosure and Sale.

Count II - Breach of Note, Count III - Breach of Contract, Money Had and Received, Count IV - Quantum Meruit, and Count V - Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff. **JUDGMENT** on Count I

- Foreclosure and Sale is hereby **ENTERED** as follows:

1. If the Defendant or his/her heirs or assigns pay U.S. Bank Trust, N.A., as Trustee for LSRMF MH Master Participation Trust II (“U.S. Bank”) the amount adjudged due and owing (\$106,440.13) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S. § 6322, U.S. Bank shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing as of August 30, 2022:

| <u>Description</u> | <u>Amount</u> |
|--------------------------|---------------------|
| Principal Balance | \$69,294.07 |
| Interest | \$17,911.08 |
| Pro Rata MIP/PMI Amount | \$12,564.79 |
| Rec Corp Advance Balance | \$6,670.19 |
| Grand Total | \$106,440.13 |

2. If the Defendant or his/her heirs or assigns do not pay U.S. Bank the amount adjudged due and owing (\$106,440.13) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S. § 6322, his/her remaining rights to possession of the Oxford Property shall terminate, and U.S. Bank shall conduct a public sale of the Oxford Property in accordance with 14 M.R.S. § 6323, disbursing the proceeds first to itself in the amount of \$106,440.13 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 6 of this Judgment, and in accordance with 14 M.R.S. § 6324. U.S. Bank **may not** seek a deficiency judgment against the Defendant pursuant to the Plaintiff’s waiver of deficiency.

3. Upon the last inspection the property was vacant, however in the event that the Defendant, and anyone occupying the premises, do not vacate the property upon termination of his/her right to possession, U.S. Bank may reopen this matter to seek a Writ of Assistance and/or Writ of Possession to be served by the U.S. Marshals Service pursuant to Federal Rule of Civil Procedure 4.1(a) consistent with this Judgment.
4. Pursuant to 14 M.R.S. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
5. The amount due and owing is as of August 30, 2022 is \$106,440.13.
6. The priority of interests is as follows:
 - U.S. Bank Trust, N.A., as Trustee for LSRMF MH Master Participation Trust II has first priority, in the amount of \$106,440.13), pursuant to the subject Note and Mortgage.
 - The Bank of New York Mellon FKA The Bank of New York, as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of CWABS Master Trust, Revolving Home Equity Loan Asset Backed Notes, Series 2004-I, **has first priority behind Plaintiff,** who has been defaulted.
 - Jennifer E. Waterhouse a/k/a Jennifer Waterhouse, has second priority behind Plaintiff.

7. The prejudgment interest rate is 5.75000%, *see* 14 M.R.S. § 1602-B, and the post-judgment interest rate is .15%, *see* 28 U.S.C. § 1961.
8. The following information is included in this Judgment pursuant to 14 M.R.S. § 2401(3):

| | <u>PARTIES</u> | <u>COUNSEL</u> |
|-------------------------|---|--|
| PLAINTIFF | U.S. Bank Trust, N.A., as Trustee for LSRMF MH Master Participation Trust II 425 Walnut Street Cincinnati, OH 45202 | Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center, Suite 303C Beverly, MA 01915 |
| DEFENDANT | Jennifer E. Waterhouse a/k/a Jennifer Waterhouse 327 Pine Street Rumford, ME 04276 | Pro Se (no appearance) |
| PARTIES-IN- INTEREST | The Bank of New York Mellon FKA The Bank of New York, as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for the Certificateholders of CWABS Master Trust, Revolving Home Equity Loan Asset Backed Notes, Series 2004-I 240 Greenwich Street New York, NY 10286 | Pro Se (no appearance) |

- a) The docket number of this case is No. 2:21-cv-00295-LEW.
- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 538 King Street, Oxford, ME 04270, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 538 King Street, Oxford, ME 04270. The Mortgage was executed by the Defendant, Jennifer E. Waterhouse a/k/a Jennifer Waterhouse on May 6, 2004. The book and page number of the Mortgage in the Oxford County Registry of Deeds is Book 3508, Page 194.
- e) The Plaintiff is the holder and owner of the subject Note and Mortgage and is entitled to a judgment of foreclosure and sale.
- f) This judgment shall not create any personal liability on the part of the Defendant but shall act solely as an *in rem* judgment against the property, 538 King Street, Oxford, ME 04270.

Dated: September 23, 2022

/s/Reneau J. Longoria, Esq.
Reneau J. Longoria, Esq. Bar No. 005746
Attorney for Plaintiff
Doonan, Graves & Longoria, LLC
100 Cummings Center, Suite 303C
Beverly, MA 01915
(978) 921-2670
RJL@dgandl.com

Dated: September 7, 2022

/s/Jennifer Waterhouse

Jennifer E. Waterhouse a/k/a Jennifer
Waterhouse
327 Pine Street
Rumford, ME 04276

SO ORDERED.

Dated this 11th day of October, 2022.

/s/ Lance E. Walker

UNITED STATES DISTRICT JUDGE